



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD FOR LICENSING CONTRACTORS
500 JAMES ROBERTSON PARKWAY, SUITE 110
NASHVILLE, TENNESSEE 37243
(615) 741-8307 or 1-800-544-7693
Fax: (615) 532-2868

CONTRACTORS BOARD COMPLAINT FORM

Complainant (Property Owner)

Respondent (Contractor)

Street Address

Street Address

City, State, Zip

City, State, Zip

County

County

()
Home Telephone Number

()
Business Telephone Number

()
Alternate Telephone Number

()
Alternate Telephone Number

()
Cellular Telephone Number

()
Cellular Telephone Number

()
Fax Number, if available

()
Fax Number, if available

Email address, if available

Email address, if available

Is the construction project Residential ☐ OR Commercial ☐?

Please provide the license number of the contractor (if known). ID#000_____

For Office Use Only:

Unlicensed: _____ License #: _____ Inspector #: _____

IN-1385/RDA2225

Please provide the following information to help our inspector contact you concerning your complaint, if a personal interview becomes necessary.

Employer Name

Employer Name (spouse/second complainant)

Employer Street Address

Employer Street Address

Employer City, State, Zip

Employer City, State, Zip

(_____)_____
Employer Telephone Number

(_____)_____
Employer Telephone Number

Complainant's Occupation

Second Complainant's Occupation

If retired, list previous occupation.

If retired, list previous occupation.

May we contact you at work: __Yes __No

May we contact you at work? __Yes __No

Have you contacted the contractor in reference to this complaint? Yes ☐ No ☐
(If yes, please attach a copy of the letter you sent to the contractor.)

What type of construction project?

New ☐ Remodeling ☐ Repair Work ☐ Addition & Renovation ☐

Other ☐ – please specify: _____

Was a building permit obtained for the construction project? Yes ☐ No ☐

If yes, who obtained the building permit? _____

Were you given a Certificate of Occupancy? Yes ☐ No ☐

Were you given a written warranty for the work performed? Yes ☐ No ☐

What was the total contract amount of the construction project?

\$ _____

Has the contract amount been paid in full? Yes ☐ No ☐

If no, how much is owed on the contract? \$ _____

Are any amounts in dispute (billings, payments, change orders, etc.)?

Yes ☐ No ☐

If yes, give a complete explanation: _____

What date was the construction project contract signed?

What date was the construction project started?

What date was the construction project completed (date of closing)?

What date was the construction project occupied for intended use?

Are you willing to work with one of our inspectors and the contractor to resolve the construction problems on your project? Yes ☐ *No ☐ – Explain:

*NOTE: If you are unwilling to allow the contractor back on your construction project or property, there may be very little that the Board for Licensing Contractors can do to assist you, other than to place the complaint on record.

What is the name of the foreman/supervisor in charge of the construction project?

Is this the individual you dealt with the most? Yes ☐ No ☐

If no, please list the name of the individual.

Was an Architect/Engineer retained for this project? Yes ☐ No ☐

If yes, please list below.

Name of Architect/Engineer

Name of Firm

Street Address

City, State, Zip

(_____)_____
Telephone Number

Have you retained an attorney in reference to your complaint? Yes ☐ No ☐

If yes, please list below.

Name of Attorney

Name of Firm

Street Address

City, State, Zip

()
Telephone Number

Has litigation been filed by you or the contractor in reference to this complaint?

Yes ☐ No ☐

If yes, has a court date been set? Yes ☐ No ☐

If yes, what is/was the court date: _____

Is litigation concluded? Yes ☐ No ☐

If yes, please attach a copy of the final judgment.

On page six (6), you'll be able to completely list your total complaint. But in short, what do you want this Board to have the contractor do or what will remedy your complaint?

- | | |
|--|--|
| <input type="checkbox"/> Contractor to make repairs | <input type="checkbox"/> Replace _____ |
| <input type="checkbox"/> Complete project/contract | <input type="checkbox"/> Make changes |
| <input type="checkbox"/> Fined for unlicensed activity | |
| <input type="checkbox"/> License revoked - Fraud, damage or injury due to gross negligence, or incompetence. (This is a lengthy legal process handled through a formal hearing overseen by an Administrative Judge and the contractor's attorney.) | |
| <input type="checkbox"/> Other: _____ | |

Please provide the location of the construction project:

Physical Address

City, State, Zip

County

In the space below, please draw a simple map or give directions to assist our inspectors in locating the project if an inspection becomes necessary.

BASIS FOR YOUR COMPLAINT

The Board for Licensing Contractors is primarily concerned with problems which have not been resolved at the time of the filing of this complaint. To assist this office in processing your complaint more efficiently, we request that you list below only the existing problems. If other problems arise during the processing of your complaint, you may provide this information to the Board assigned inspector. You

[illegible]

Signature of Complainant

Date _____

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Thank you for taking the time to complete all the information requested; it will help in processing your complaint.

When a complaint is filed with our office:

- You will receive a letter acknowledging receipt of your complaint
- A certified letter will also be sent to the contractor, along with a copy of the complaint form you submitted
- The letter directs the contractor to respond to the allegations of the complaint, in writing, within two (2) weeks from the date the contractor receives the letter.
- Once the contractor responds, or the two (2) weeks have expired, a field inspector may be assigned to verify the complaint
- The inspector will contact both parties and attempt to informally resolve the complaint
- Please note, state mail can take 7 – 14 days for delivery

Please Note: Due to the heavy volume of complaints received by this office, it may take several weeks before you are contacted by our inspector to schedule an appointment for a job site visit.

Receipt of Complaint CAN NOT be verified over the telephone.

SIGNATURE IS REQUIRED – UNSIGNED COMPLAINT FORMS WILL BE RETURNED UNPROCESSED.

If this is an anonymous complaint concerning unlicensed activity, and you are not the property owner, please contact the complaint section of the Board Office at (615) 741-8307 or 800-544-7693, or fax at (615) 532-2868 for instructions.

THE COMPLAINT REVIEW

Upon receipt of your completed contractor's complaint form, the Board's staff and legal counsel will evaluate and determine if the Board has jurisdiction. To make this determination, the following is considered:

- *License* (Does the contractor have a license or was one required?)
- *Contract or Monetary Amount* (Was the project in excess of \$25,000.00?
A contractor's license is not required for work less than \$25,000.00.)
- *Home Improvement Complaint* (If you live in one of the following nine counties: Bradley, Davidson, Hamilton, Haywood, Johnson, Knox, Shelby, Robertson or Rutherford: and the contract amount (your cost) was \$3,000.00-\$24,999.00 the Home Improvement Commission would have jurisdiction over these contractors, unless the contractor holds a valid license with the Board for Licensing Contractors.)
- *Action* (What is it you want from the (Licensing) Board or (Home Improvement) Commission? Neither the Board nor Commission has the authority to award monetary judgments; they may only act as a mediator to resolve the complaint, possibly

encouraging the contractor to make repairs vs. further action by the board, i.e. issuance of a civil penalty, issuance of a warning letter, suspension of a license, etc.)

- *Age of Complaint* (There is a one (1) year “implied warranty” on cosmetic items and a “statute of limitations” of four (4) years on structural issues.)

- *Litigation* (If you have begun legal proceedings, the Board will likely not take any action on the complaint case and will defer the case until it is out of court. Please keep the Board posted of the outcome.)

COMPLAINT CASE PROCEDURES

Should your case fall into the jurisdiction of the Board for Licensing Contractors, the complaint process may proceed as follows:

- *Contractor* will be notified of the complaint allegations and directed to respond in writing within two (2) weeks from the date the contractor receives notification from the Board.

- *Inspector* may be assigned to the case and will contact you to set an appointment to verify your problems. The contractor may also be present at the job site inspection. The inspector will then work with you and the contractor to try and remedy all valid complaints. If no agreement can be reached, the Board will determine the next course of action which could vary from allowing additional time for repairs, holding issuance of a renewal license, issuing a civil penalty, etc.

- *Subcommittee review* consists of three (3) Residential Board Members which meet and review the complaint files, and with inspector input determines future action. The “file” will consist of the complaint, contractor’s response and the inspector’s report.

- *Informal Hearing* may be scheduled for the contractor and the property owner to appear before the subcommittee. The subcommittee will make the decision on what is required of the contractor or close the complaint.

- *Formal Hearing* may be set to take disciplinary action on the contractor’s license. Usually, these are in cases of gross negligence, incompetence, etc. The Board advises the contractor to seek an attorney for this hearing and an Administrative Law Judge is scheduled to oversee, with the Board members acting as the jury.

RESOLUTION OF THE COMPLAINT

The resolution to the complaint you file with the Board for Licensing Contractors will be a lengthy process. Timeframes usually consist of anywhere from two (2) months to two (2) years, depending on the size of project, weather conditions, etc.

JURISDICTION

The Board for Licensing Contractors and the Home Improvement Commission strive to protect the public from unscrupulous contractors, as this is their number one concern. However, their jurisdiction is limited.

Neither the Board nor Commission has the authority to award monetary judgments or force the contractor to make repairs. On severe issues, such as structural, codes, or recurring issues, they may revoke or suspend the contractor's license through a Formal Hearing.

In instances where the contractor is unlicensed or not required to hold a license, the Board and Commission have NO jurisdiction. However, they may assess a fine or citation for unlicensed activity. In addition, the local codes office may issue "stop work orders" on existing projects. You may wish to pursue action through the courts or have your complaint on file for other consumers or should the contractor apply for a license.

On cases which are in civil litigation, the Court's jurisdiction supersedes both the Board and Commission. In fact, the court may revoke a contractor's license.

If you are unwilling to allow the contractor back on your construction project or property, there may be very little that the Board and/or Commission can do to assist you, other than to place the complaint on record in the computer system at the Board Office.

The Home Improvement statute requires a contractor to hold a license and a \$10,000.00 surety bond, for work between \$3,000.00-\$24,999.99. If you do not live in one of the nine counties which require this license, you may want to contact your County Executive or elected officials for implementation of this law to protect you and other property owners in the future. For more information on the Home Improvement Commission, please call 1-800-544-7693 or (615) 532-3994.

Please read the following information and fill out the attached complaint form as completely and accurately as possible. If the question does not apply to your situation, please put N/A. If unknown, please put "unknown". **If the complaint form is not filled out completely, it may be returned or delay your case.** Please submit the complaint form to the address on the form.

GENERAL INFORMATION

The State of Tennessee, Board for Licensing Contractors, licenses and regulates prime contractors (those who contract directly with the owner) performing construction projects which total twenty-five thousand dollars (\$25,000.00) or more and subcontractors performing electrical, mechanical, plumbing or HVAC projects which total twenty-five thousand dollars (\$25,000.00) or more. If you file a complaint with this department that falls within our jurisdiction, the complaint will be processed in our office and may be investigated by a contractor inspector.

When a complaint is filed with our office, a letter will be returned to you informing you that the complaint has been received and is being processed. A certified letter will also be sent to the contractor, along with a copy of the complaint form you submitted. The letter directs the contractor to respond to the allegations of the complaint, in writing, within two (2) weeks from the date the contractor receives the letter.

Once the contractor responds, or the two (2) weeks have expired, a field inspector may be assigned to verify the complaint. The inspector will contact both parties and attempt to informally resolve the complaint.

If the inspector is unable to help the parties reach a satisfactory resolution, the Board will determine whether to hold an informal conference with all parties to achieve a resolution. If a hearing (informal conference) is scheduled, both parties are required to attend.

The Tennessee Department of Commerce and Insurance, Division of Regulatory Boards, is delegated by law with the responsibility of regulating the conduct of license holders. *The complainant must rely on the courts for monetary recovery.*

STAFF

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